IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1423 OF 2007
IN
EXECUTION APPLICATION NO.241 OF 2006
IN
SUMMARY SUIT NO.3809 OF 2002

Madhusudan Shrikrishna ..Plaintiff.

Vs.

Emkay Exports & Ors. ..Defendants.

Mr.S.H.Bohra i/b.S.H.Bohra & Co. for the Applicant.
Mr.N.D.Jaywant for the Plaintiff.

CORAM : S.J. VAZIFDAR, J.
DATED : 5TH SEPTEMBER, 2007

P.C. :

Not on board. Placed on board and called out for hearing.

2. The learned counsel appearing on behalf of the Defendants agrees and undertakes to deposit a sum of Rs.4,74,013.60 on or before 15th October, 2007 in full and final satisfaction of the decree. The learned counsel appearing on behalf of the Plaintiff confirms the correctness of the said amount as due and payable to the Plaintiff. Upon the amount being deposited, the Plaintiff shall be entitled to withdraw the same forthwith.

3. The Plaintiff shall also be entitled to withdraw the amounts already deposited, forthwith. In this regard, the learned counsel appearing on behalf of the Plaintiff states that he will withdraw Notice of Motion No.1905 of 2007 in Appeal No.349 of 2007. Both the counsel agree that the Plaintiff shall be entitled to withdraw the amounts already deposited forthwith.

4. In view of the abve, the auction sale sheduled to be held tomorrow, shall be held and postponed to 22nd October, 2007.

5. In the event of the amounts being deposited as aforesaid, the execution proceedings shall stand disposed of and the Plaintiff shall mark the decree satisfied. It is further agreed that in that event the decree, in any event, shall be deemed to be marked as satisfied by virtue of this order and the consent of the Plaintiff.

6. The above Chamber Summons is accordingly disposed of.

7. All parties are directed to act on an ordinary copy of this order duly authenticated by the

Associate/Personal Assistant.